

DOCKET FILE COPY ORIGINAL

LAW OFFICES

**COHN AND MARKS LLP**

ROBERT B. JACOBI  
ROY R. RUSSO  
RONALD A. SIEGEL  
LAWRENCE N. COHN  
RICHARD A. HELMICK  
J. BRIAN DE BOICE  
JEROLD L. JACOBS  
SUSAN V. SACHS

SUITE 300  
1920 N STREET N.W.  
WASHINGTON, D.C. 20036-1622

TELEPHONE (202) 293-3860  
FACSIMILE (202) 293-4827  
HOMEPAGE WWW.COHNMARKS.COM

OF COUNSEL  
MARCUS COHN (1913-2001)  
LEONARD H. MARKS (1916-2006)  
JOEL H. LEVY  
ELLEN MANDELL EDMUNDSON

DIRECT DIAL: 202/452-4823  
EMAIL ADDRESS: jerold.jacobs@cohnmarks.com

March 1, 2007

**VIA HAND DELIVERY**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Portals II, Filing Center, TW-A325  
Washington, D.C. 20554

FILED/ACCEPTED

MAR - 1 2007

Federal Communications Commission  
Office of the Secretary

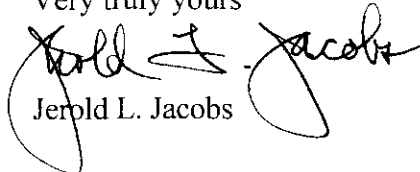
**Re: MB Docket No. 87-268  
(DTV Table of Allotments)**

Dear Ms. Dortch

Enclosed for filing, on behalf of our client, the Oklahoma Educational Television Authority, are an original and four (4) copies of its **"REPLY COMMENTS OF OKLAHOMA EDUCATIONAL TELEVISION AUTHORITY and REQUEST FOR ACCEPTANCE OF LATE-FILED PLEADING"** in the above-referenced matter.

Please direct any communications or correspondence concerning this matter to the undersigned.

Very truly yours

  
Jerold L. Jacobs

Enc.

cc: Mr. Gordon Godfrey (FCC - By Hand - w/enc.)

No. of Copies rec'd 0 + 4  
List A B C D E

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

ORIGINAL

FILED/ACCEPTED

MAR - 1 2007

In the Matter of )  
 )  
Advanced Television Systems )  
and Their Impact Upon the )  
Existing Television Broadcast )  
Service )

MB Docket No. 87-268

Federal Communications Commission  
Office of the Secretary

To: Secretary, Federal Communications Commission  
Att: The Commission

**REPLY COMMENTS OF  
OKLAHOMA EDUCATIONAL TELEVISION AUTHORITY  
and  
REQUEST FOR ACCEPTANCE OF LATE-FILED PLEADING**

**THE OKLAHOMA EDUCATIONAL TELEVISION AUTHORITY ("OETA")** (FRN 0005-0484-00), licensee of Noncommercial Educational Station KOED-DT (Facility ID #66195), Tulsa, Oklahoma, by its attorneys, hereby files these Reply Comments concerning Appendix B of the *Seventh Further Notice of Proposed Rule Making in MB Docket No. 87-268 ("FNPRM")*, 21 FCC Rcd 12100 (2006).<sup>1/</sup> For the reasons which follow, OETA respectfully proposes the following changes in the DTV Table of Allotments for KOED-DT:

**Fac. ID #66195, Tulsa OK: Change the following parameters to read:  
HAAT, 521 meters; Antenna ID, 30622; Area, 39,343 sq. km.; Pop., 1288; interf., 0.5**

---

<sup>1/</sup> OETA respectfully asks the Commission to accept these Reply Comments three days late. In the *Order in MB Docket No. 87-268*, DA 07-38, released January 9, 2007, the Commission extended the filing deadline for Reply Comments through February 26, 2007. However, the facts which support these Reply Comments did not arise until the last full week in February, which did not allow enough time for OETA's consulting engineers to complete their accompanying Engineering Statement by the Commission's closing hour on February 26. Given the important impact on Station KOED-DT's future digital coverage, OETA submits that the public interest warrants consideration of these Reply Comments and the underlying Engineering Statement *nunc pro tunc* February 26, 2007.

1. Paragraph 16 of the *FNPRM*, 21 FCC Rcd at 12105-106, invited comments on inaccuracies or discrepancies in the proposed final DTV Table of Allotments. As fully explained and formulated in the accompanying Engineering Statement (“Statement”) of Mr. Donald G. Everist of Cohen, Dippell and Everist, P.C., a meeting concluded during the last full week of February 2007 between KOED-DT’s tower owners and OETA’s technical representatives indicated that KOED-DT is going to be able to return its DTV operation to the same antenna height as its NTSC antenna, which is 125 meters above what is now licensed to KOED-DT and specified in Appendix B of the *FNPRM*, 21 FCC Rcd at 12187 (Statement at 1).

2. Mr. Everist has recalculated the service area, population, and interference effect of increasing the HAAT to 521 meters, instead of the 396 meters specified in Appendix B. Those recalculations show an increased service area of 6,150 square kilometers and 77,000 persons. Statement at 2. When OETA filed its Form 381 Pre-Election Certification Form on November 4, 2004 (File No. BCERET-20041104BAT), it stated that it wished to build “maximized facilities” for KOED-DT, and it used its construction permit file no. BMPEDT-20021015ABX. Those are the facilities that OETA actually constructed and licensed (File No. BLEDT-20060601BLN), and they are located on the same antenna tower as KOED-TV’s NTSC facilities. However, OETA intends to change its DTV operations from DTV Channel 38 to DTV Channel 11 (its current NTSC channel). Had OETA known in 2004 that it could place its DTV Channel 11 antenna at 521 meters, instead of 396 meters, it would have so filed.<sup>2/</sup> What OETA now respectfully requests is that the final DTV Table of Allotments be modified to allow KOED-DT to operate at 521 meters, instead of 396 meters.

---

<sup>2/</sup> OETA attempted to amend its Form 381 for KOED-DT on February 28, 2007 to include Mr. Everist’s Engineering Statement as Exhibit 1, but the CDBS computer system refused to allow any amendment to the Form.

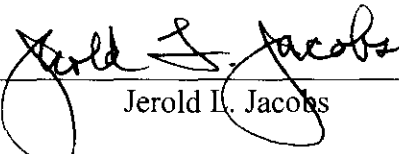
Importantly, OETA is NOT seeking any increase in KOED-DT's ERP – only an increase in antenna height to match its current NTSC antenna height of 521 meters.

3. OETA understands that once the DTV Table of Allotments is finalized, the Commission may allow an opportunity for noncommercial licensees to file Form 340 applications to further maximize their facilities. However, in case that opportunity is not afforded, OETA asks that the DTV Table of Allotments be modified at this time to ensure that KOED-DT will be able to operate at 521 meters on DTV Channel 11 at the DTV transition in February 2009. This will represent a true maximization of its DTV facilities consistent with its original NTSC facilities and the paramount public interest.

4. **Therefore, OETA respectfully requests that Appendix B of the FNPRM be modified to include the specifications for KOED-DT outlined in Paragraph 1 above.**

Respectfully submitted

OKLAHOMA EDUCATIONAL TELEVISION AUTHORITY

By:   
Jerold L. Jacobs

Cohn and Marks LLP  
1920 N Street, N.W. Suite 300  
Washington, D.C. 20036-1622  
Tel. 202-293-3860

Its Counsel

Att: Engineering Statement

Dated: March 1, 2007

ENGINEERING STATEMENT  
ON BEHALF OF  
OKLAHOMA EDUCATIONAL TELEVISION AUTHORITY  
LICENSEE OF  
KOED-DT, TULSA, OKLAHOMA  
DTV CH. 11 22.2 KW DA ERP 521 METERS HAAT  
REPLY COMMENTS TO  
SEVENTH FURTHER NOTICE OF PROPOSED RULE MAKING  
MB DOCKET NO. 87-268  
FEBRUARY 2007

COHEN, DIPPELL AND EVERIST, P.C.  
CONSULTING ENGINEERS  
RADIO AND TELEVISION  
WASHINGTON, D.C.

COHEN, DIPPELL AND EVERIST, P. C.

City of Washington            )  
                                          ) ss  
District of Columbia         )

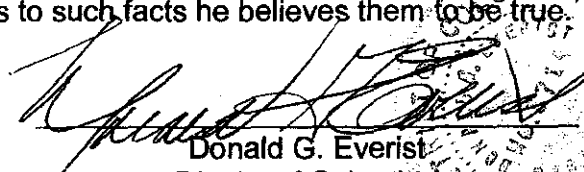
Donald G. Everist, being duly sworn upon his oath, deposes and states that:

He is a graduate electrical engineer, a Registered Professional Engineer in the District of Columbia, and is President, Secretary and Treasurer of Cohen, Dippell and Everist, P.C., Consulting Engineers, Radio - Television, with offices at 1300 L Street, N.W., Suite 1100, Washington, D.C. 20005;

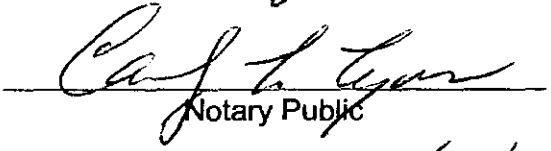
That his qualifications are a matter of record in the Federal Communications Commission;

That the attached engineering report was prepared by him or under his supervision and direction and

That the facts stated herein are true of his own knowledge, except such facts as are stated to be on information and belief, and as to such facts he believes them to be true.

  
Donald G. Everist  
District of Columbia  
Professional Engineer  
Registration No. 5714

Subscribed and sworn to before me this 26<sup>th</sup> day of February, 2007.

  
  
Notary Public

My Commission Expires: 2/28/2008

This engineering statement has been prepared on behalf of Oklahoma Educational Television Authority ("OETA"), licensee of KOED-DT, Tulsa, Oklahoma. Station KOED-DT is the only PBS station that serves the area. The purpose of this engineering statement is to accompany a filing in response to the Seventh Further Notice of Proposed Rule Making, MB Docket No. 87-268 ("SFNPRM")<sup>1</sup> Appendix B of the SFNPRM the FCC's proposed table of allotments for DTV post-transition operation and as part of an amendment to Form 381 for KOED-DT.

On FCC Form 381, KOED-DT elected to operate its post-transition DTV station with certified 1000 kW facilities pursuant to licensed DTV operation (FCC File No. BLEDT-20060601BLN).

KOED-DT is located on a non-owned tower. A meeting just concluded late last week between the tower owners and OETA's technical representatives gave every indication that KOED-DT is going to be able to return its DTV operation to the location of its NTSC antenna, which is 125 meters above that now licensed for the DTV (FCC File No. BLEDT-20060601BLN). This will permit KOED-DT to more closely approximate its current NTSC service.

The KOED-DT (Facility ID No. 66195) post-transition parameters as designated in the proposed DTV Table of Allotments are as follows:

---

<sup>1</sup>"In the Matter of Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service," pertaining to MB Docket No. 87-268, released October 20, 2006.

Proposed DTV Table of Allotment Data

<u>DTV CH.</u>	<u>ERP kW</u>	<u>HAAT meters</u>	<u>Antenna ID</u>	<u>Coordinates NAD 27</u>	<u>Area Sq. km</u>
11	22.2	396	74534	36° 01' 15"N 95° 40' 32"W	33193
		<u>Population Net Coverage thousands</u>	<u>Percent Interference Received</u>		
		[1,211]	0.3		

The requested DTV parameters and associated data for post-transition based on the directional channel 11 KOED-DT-DT maximized facilities are as follows:

Requested Facility

<u>DTV CH.</u>	<u>ERP kW</u>	<u>HAAT meters</u>	<u>Antenna ID</u>	<u>Coordinates NAD 27</u>	<u>Area Sq. km</u>
11	22.2	521	30622	36° 01' 15"N 95° 40' 32"W	39,343
		<u>Population</u>	<u>Percent</u>		
		<u>Total</u>	<u>Interference</u>	<u>Net</u>	<u>Interference</u>
		<u>Coverage</u>	<u>Received</u>	<u>Coverage</u>	<u>Received</u>
				<u>thousands</u>	
		1,288,279	6,436	1,282	0.5

Interference to KTUL-DT increases slightly from 0.1% to 0.3%.



NTSC

From Table II Dec. 21., 2004

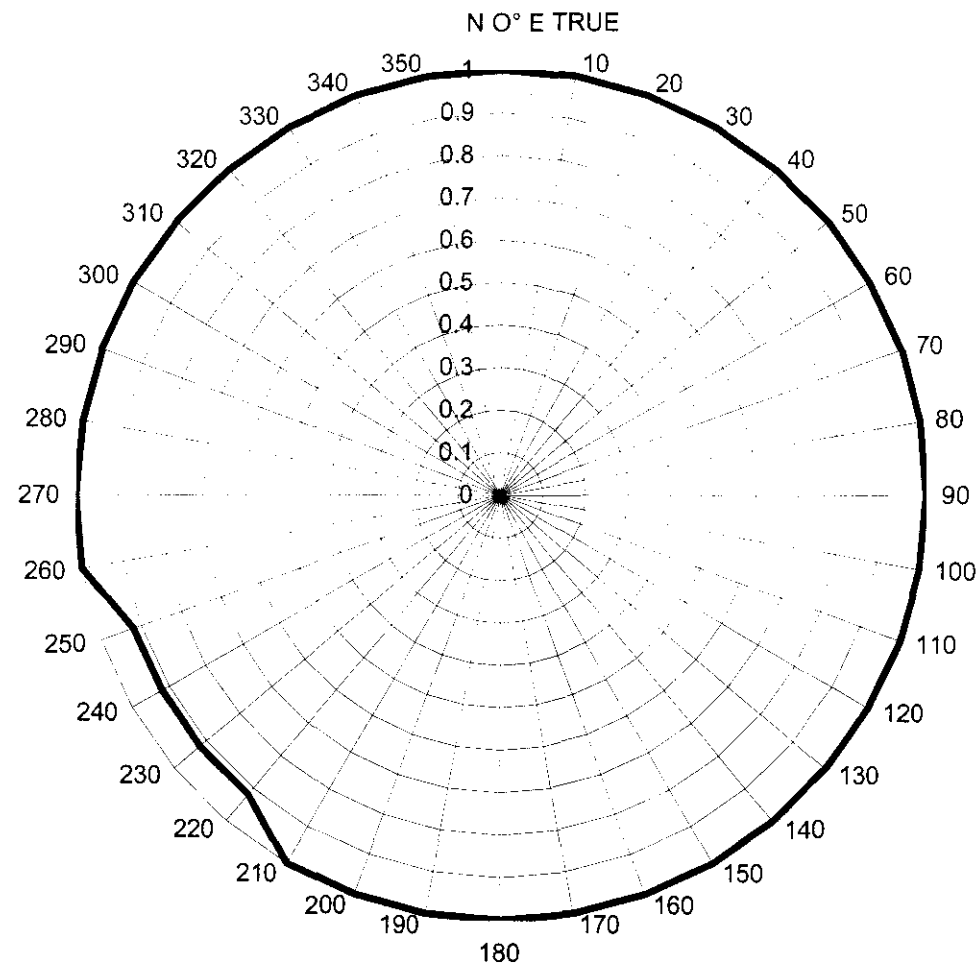
Report and Order, Sept. 7, 2004

<u>NTSC</u> <u>CH.</u>	<u>ERP</u> kW	<u>HAAT</u> meters	<u>Antenna</u> <u>ID</u>	<u>Coordinates</u> <u>NAD 27</u>	<u>Area</u> Sq. km
11	316	521	30622	36° 01' 15"N 95° 40' 32"W	34937
<u>Population</u> Net					
<u>Coverage</u> thousands					
1,218					

A Longley-Rice study of predicted interference caused by the proposed [non] - directional KOED-DT-DT post-transition facilities requested herein has been performed using a version of the Longley-Rice program as described in OET Bulletin No. 69 (February 6, 2004) and the Public Notice, "Additional Application Processing Guidelines for Digital Television (DTV)" (August 1998). The FCC's FORTRAN-77 code was modified only to the extent necessary (primarily input/output handling) for the program to run on a Windows98/Intel platform. Comparison of service/interference areas and populations indicates that this model closely matches the FCC's evaluation program. Best efforts have been made to use data and calculations identical to the FCC's program. Any slight differences are attributable to compiler, operating system and/or processor characteristics. The effect of any variance in calculated population values versus the FCC's program is minimized when differencing a given model's

results, such as calculating new interference as total interference less baseline interference. Any variance effect is further reduced when using ratios of calculated population values such as measuring the incremental population affected as a percent of the total population served. The model employs the Longley-Rice propagation methodology and evaluates in grid cells of approximately 4 km<sup>2</sup> terrain data sampled approximately every 1.0 km at one degree azimuth intervals with 2000 census centroids based on the information contained in the FCC engineering database released February 26, 2007 representing all post-transition DTV operations in Appendix B of the SFNPRM.

It is believed that this minor change to accurately reflect the just received assurances that KOED-DT has received about its ability to return to its current NTSC antenna height should be reflected in the final table.



PROPOSED REFERENCE PATTERN  
KOED-DT, TULSA, OKLAHOMA  
CHANNEL 11 22.2 kW MAX 521 METERS HAAT  
FEBRUARY 2007